

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBIN MARK REITZ,

Plaintiff,

v.

BRUCE HARRELL, *et al.*,

Defendants.

CASE NO. C24-0829-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

On June 12, 2024, the Honorable S. Kate Vaughan, United States Magistrate Judge, granted Plaintiff's motion to proceed *in forma pauperis*. (See Dkt. No. 4.) Plaintiff's complaint (Dkt. No. 5) was entered shortly thereafter. Summons has not yet issued.

Once a complaint is filed *in forma pauperis*, the Court must dismiss it prior to service if it "fails to state a claim on which relief can be granted." 28 U.S.C. § 1915(e)(2)(B)(ii); *see Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). To avoid dismissal, the complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). The factual allegations must be "enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The complaint may be dismissed if it lacks a cognizable legal theory or states insufficient

1 facts to support a cognizable legal theory. *Zixiang v. Kerry*, 710 F.3d 995, 999 (9th Cir. 2013).

2 To the extent the Court can discern his allegations, Plaintiff brings claims for violations
3 of the federal Racketeering Influenced and Corrupt Organizations (“RICO”) Act against Seattle
4 Mayor Bruce Harrell, Governor Jay Inslee, and King County Executive Dow Constantine, and is
5 seeking \$30 million dollars in relief. But Plaintiff’s allegations are not coherent. They fail to
6 establish the conduct and legal theory supporting the relief sought. Both must be supported by
7 specific allegations—not formulaic conclusions or legal titles. *See Iqbal*, 556 U.S. at 664.

8 However, when dismissing a complaint under § 1915(e), the Court gives *pro se* plaintiffs
9 leave to amend unless “it is absolutely clear that the deficiencies of the complaint could not be
10 cured by amendment.” *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). Here, it is
11 perhaps conceivable that Plaintiff could adequately plead his claims. For this reason, the Court
12 finds that leave to amend is warranted.

13 Based on the foregoing, the Court DECLINES to serve Plaintiff’s complaint and
14 GRANTS Plaintiff leave to file an amended complaint curing the above-noted deficiencies
15 within 30 days after the date this order is signed.¹ If no amended complaint is filed within this
16 time period or if Plaintiff files an amended complaint that fails to correct the deficiencies
17 identified above, the Court may dismiss Plaintiff’s claims pursuant to Federal Rule of Civil
18 Procedure 12(h)(3) and/or 28 U.S.C. §1915(e)(2)(B). The Clerk is DIRECTED to re-note
19 Plaintiff’s motion to appoint counsel (Dkt. No. 6) to August 30, 2024.

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24 ¹ Plaintiff is advised that an amended complaint operates as a complete substitute for an original
25 complaint. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Thus, any amended
26 complaint must clearly identify the defendant(s), the legally cognizable claims asserted, the
specific facts which Plaintiff believes support each claim, and the specific relief requested.

1 DATED this 30th day of July 2024.

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3 Ravi Subramanian
4 Clerk of Court

5 s/Kathleen Albert
6 Deputy Clerk
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